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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/536,499	10/28/2005	Richard David Saunders	1034305-000004	6580

21839 7590 03/18/2010
BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER

MAI, THIEN T

ART UNIT	PAPER NUMBER
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2887

NOTIFICATION DATE	DELIVERY MODE
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03/18/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/536,499	Applicant(s) SAUNDERS, RICHARD DAVID	
	Examiner THIEN T. MAI	Art Unit 2887	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 13 and 14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13 and 14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Acknowledgement

Acknowledgement is hereby made of the Amendment filed 12/29/2009.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim(s) 1-11, 13-14 is/are rejected under 35 U.S.C. 102(b) as being anticipated by Pitts et al. (US 4511616 A, submitted through IDS)

Re claims 1, 9-11, 13-14, *Pitts et al.* discloses a method of verifying the accuracy or authenticity of alphanumeric magnetic data on a document having a layer of magnetic material in which the alphanumeric magnetic data and a magnetic reference image are stored, wherein:

(a) making the configuration of a pictorial or graphic magnetic reference image in the layer of magnetic material of the document (i.e. ticket 80) visible by bringing movable particulate magnetic material (of viewer 90) into proximity therewith such that the particulate magnetic material takes up a distribution corresponding to the magnetic field of the reference image; and
(b) comparing the magnetic image configuration thus revealed with the reference image to identify any significant disconformity suggesting past exposure of the document to a magnetic field capable of altering said magnetic data or images (when viewer 90 is brought near, "printed"/expected pattern 95 is revealed thereby confirming authenticity of document).

Re claim 2, the document also carries visible alphanumeric information (Figs. 1-8).

Re claims 4-6, *Pitts et al.* discloses that it is well known in the art for a document containing a magnetic layer (13; 53) to be protected with at least outer sheets (11, 15; 55, 51) that are paper, fabric, metallic, and resin layer inherently opaque to light, and additional layers

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such as lacquer layer, pressure sensitive adhesive, release paper backings, etc. (col. 4 lines 3-9, col. 5 lines 1-68).

Re claim 7-8, at least one outer sheet (i.e. layer 37) has colored pigments.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
3. Claim(s) 1-3, 9-10 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over *Nicolette et al.* (US 5975581 A, submitted through IDS) in view of *Labrec et al.* (US 20030234286 A1).

Re claim 1, 9-10, *Nicolette* discloses a method of verifying the accuracy or authenticity of alphanumeric magnetic data on an article having a layer of magnetic material in which the alphanumeric magnetic data and a magnetic reference image (i.e. "printed" pattern) are stored, wherein:

(a) making the configuration of a pictorial or graphic magnetic reference image in the layer of magnetic material of the article visible by bringing movable particulate magnetic material (of viewer 160) into proximity therewith such that the particulate magnetic material takes up a

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distribution corresponding to the magnetic field of the reference image (see col. 1-2); and (b) comparing the magnetic image configuration thus revealed with the reference image to identify any significant disconformity suggesting past exposure of the article to a magnetic field capable of altering said magnetic data or images (col. 1-2: when viewer 160 is brought near, "printed"/expected pattern 110 is revealed thereby confirming authenticity of document).

Nicolette does not expressly teach the magnetic image is stored in a document.

Labrec et al. discloses an article of manufacture in the form of an identity document (abstract) having at least a magnetic layer (paragraph 20).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of *Labrec et al.* in order to apply the teachings of *Nicolette* to variety of articles including documents.

Re claim 2, the article also carries visible alphanumeric information (abstract, col. 1-2, Figs. 1-4).

Re claim 3, the pattern has magnetic material thereon with uniform coercivity of 80-200 Oe (abstract, col. 1-2).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THIEN T. MAI whose telephone number is (571)272-8283. The examiner can normally be reached on Monday through Friday, 8:00 - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve S. Paik can be reached on 571-272-2404. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thien T Mai/
Examiner, Art Unit 2887

/Thien M. Le/
Primary Examiner, Art Unit 2887